

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANTHONY B. NELSON,

Plaintiff,

Case No.
18-CV-11413

- against -

DIANE ARGYROPOULOUS, PHILIP ARGYROPOULOUS,
CHRIS ORSARIS, ALEX LETTAS, VICTORY AUTO
GROUP, LLC, SPARTAN AUTO GROUP, LLC, VICTORY
MITSUBISHI, MITSUBISHI NORTH AMERICA,

Defendants.
-----X

September 18, 2020
10:14 A.M.

DEPOSITION OF ANTHONY B. NELSON,
the Plaintiff herein, taken by the attorney for
the Defendants, pursuant to Order, held via web
conference at the above date and time, before Athi
Francis, a Notary Public of the State of New York.

ORIGINAL

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2 A P P E A R A N C E S :

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4 ANTHONY B. NELSON
5 PRO SE
6 12B Brown Place
7 Bronx, New York 10475

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8 STEPHEN D. HANS & ASSOCIATES, P.C.
9 Attorneys for Defendants
10 GEORGE W. DAW
11 30-30 Northern Boulevard
12 Suite 401
13 Long Island City, New York 11101

14 BY: STEPHEN D. HANS, ESQ.

12

13

14 MCGIVNEY KLUGER CLARK & INTOCCIA, P.C.
15 Attorneys for Defendant
16 MITSUBISHI NORTH AMERICA
17 80 Broad Street
18 New York, New York 10007

19 BY: JOHN BLUMENSTOCK, ESQ.
20 File # 4456-0001

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19

20 ALSO PRESENT: Chris Orsaris

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S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED by

and among counsel for the respective parties

hereto, that the sealing and certification of the

within deposition shall be and the same are

hereby waived;

IT IS FURTHER STIPULATED AND AGREED that

all objections, except to the form of the

question, shall be reserved to the time of the

trial;

IT IS FURTHER STIPULATED AND AGREED that

the within deposition may be signed before any

Notary Public with the same force and effect as

if signed and sworn to before the Court.

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THE REPORTER: Before I swear in the witness, I will ask each counsel to stipulate on the record that due to the current national emergency regarding the coronavirus, the court reporter may swear in the witness even though she is not physically in the presence of the witness and that there is no objection to that at this time, nor will there be an objection to it at a future date.

11

MR. HANS: So Stipulated.

12

MR. BLUMENSTOCK: So Stipulated.

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THE REPORTER: Counsel, can you represent that, to the best of your knowledge and belief, the witness appearing today via web conference is, in fact, Anthony B. Nelson?

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MR. HANS: Yes, I can.

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THE REPORTER: Thank you.

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2 A N T H O N Y B. N E L S O N ,

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4 The witness herein, having first been
5 duly sworn by Athi Francis, a Notary Public in and
6 for the State of New York, was examined and
7 testified as follows:

8 DIRECT EXAMINATION BY

9 STEPHEN D. HANS, ESQ.:

10 Q Please state your name for the
11 record.

12 A Anthony B. Nelson.

13 Q What is your present home address?

14 A 12B Broun Place, Bronx, New York 10475.

15 Q Before we begin, Mr. Nelson, -- I sent you
16 an E-Mail asking you to have your Amended Complaint
17 and your original Complaint in front of you. Do you
18 have those documents in front of you today?

19 A Right here. That's the Amended Complaint
20 and here's the --

21 Q Original Complaint.

22 A Yes.

23 MR. HANS: Let the record reflect that
24 the time is now 10:14. I will begin my one
25 hour deposition at this time.

26 Q Mr. Nelson, I've asked you to refer to

1 Anthony B. Nelson

2 the Amended Complaint and have it in front of you.

3 On page 2 the first paragraph under B, facts.

4 A Yes.

5 Q You state in there -- that I knew the
6 store had one of the worst reputations in the
7 tri-state area and they were fire bombed in 2013.
8 Do you see that?

9 A Yes.

10 Q Do those allegations have anything to do
11 with your claim in either the Complaint or the
12 Amended Complaint in this case or are they facts
13 that you decided to put into the Complaint?

14 A Yes, it has to do with how the store has
15 always been run and always had a reputation of
16 negativity.

17 Q You're saying that the reputation is
18 negativity?

19 A I'm just saying that this store has a
20 huge, very huge -- you tell somebody you're at Bronx
21 Suzuki, you're there at that place. That's the kind
22 of reaction people get in the industry when you tell
23 them that.

24 Q The fact that you wrote down recently
25 been fire bombed at the end of 2013. Were you

1 Anthony B. Nelson

2 employed there in 2013?

3 A No, I wasn't. I know it was a fire
4 bombed because it was in the news. This is my
5 neighborhood.

6 Q That fire bombing had nothing to do with
7 your Complaint today; correct?

8 A It has to do with my Complaint because it
9 has to do with, you know -- how bad could a place be
10 that somebody would risk their own life doing
11 something as negligent and crazy as that.

12 Q How does that play into your Complaint?

13 A How does it play into my Complaint?

14 Q How does it impact or what relevance does
15 it have to your Complaint?

16 A The relevance is that it seems that a lot
17 of things happened in this particular place and it
18 just continued to happen, even when I was there.

19 Q When you say things that happened, we're
20 talking about when the fire bomb happened and what
21 relevance does a fire bombing have to your Complaint
22 of discrimination of age and race discrimination?

23 A What it has to do with is the fact -- it
24 has to do with the fact that there's always
25 something wrong going on and happening in this

1 Anthony B. Nelson

2 store. My Complaint is just another version of more
3 wrongdoing at this place.

4 Q Do you have any evidence of any
5 discrimination by age or race, prior to your
6 employment at Victory?

7 A No, I do not.

8 Q What you're talking about is more
9 reputation. Has nothing to do with specific
10 discrimination complaints, prior to your employment?

11 A Can you repeat that?

12 Q You have no evidence of any
13 discrimination complaints, prior to your employment
14 there at Victory; correct?

15 A Yes.

16 Q You say here they are currently in
17 trouble with the attorney general for running a
18 drive-by whatever that is. What are you talking
19 about?

20 A What I said was drive-by skullduggery.
21 Is that you mean?

22 Q I'm looking at your words. You tell me.

23 A Yes, drive-by skullduggery.

24 Q You say they're currently in trouble.
25 That means in 2020 they're in trouble with the

1 Anthony B. Nelson

2 attorney general, yes or no?

3 A No, they were in trouble when I came to
4 work there in 2016.

5 Q Specifically what were they in trouble
6 for?

7 A They were in trouble for jamming
8 customers.

9 Q How does that affect your Complaint of
10 age and race discrimination?

11 A How does that affect --

12 Q What relevance does that allegation of
13 being in trouble with the attorney general have to
14 do with your allegation of race or age
15 discrimination?

16 A It has to do with their reputation. It
17 has to do with their reputation and because their
18 reputation is what it is, anything can happen.
19 Which we already know.

20 Q I understand that. It has to do with the
21 reputation, that's your answer, fine. Does it have
22 any exact relevance to your Complaint that you put
23 forth in this case of age or race discrimination or
24 is it just their general reputation?

25 A It has to do with both. It has to do

1 Anthony B. Nelson

2 with their general reputation that they have a
3 plethora of things going on that are wrong and they
4 will always have something that's going on that's
5 wrong, even after I'm gone. It can be anything.
6 These kind of things happen there.

7 Q What relevance does the attorney
8 general's issues in 2016 have to do with your
9 present day complaints of race and age
10 discrimination? If there's nothing, there's
11 nothing. I can't imagine there should be. Is the
12 attorney general's investigation or whatever they
13 were doing in 2016, have any relevance to your
14 complaints in 2018 and 2019 of age and race
15 discrimination, yes or no?

16 A No.

17 Q In paragraph 2, where it starts with my
18 pay. You say you did a radio show; is that correct?

19 A Okay. Is this still under facts?

20 Q Yes. The last sentence says but the deal
21 never went through and then Chris Orsaris came on
22 board. I knew who he was. As I did a radio show.

23 Are you testifying that you did a radio
24 show, yes or no?

25 A I did Auto Lab because I do an event in

1 Anthony B. Nelson

2 New York for five or six years. I do the Auto Lab
3 show. I did the Auto Lab show with -- I can't
4 remember the doctor's name who does the show, but
5 also with the owner of Major World and a lot of
6 other different auto related businesses. That
7 person would be Harold Bendell. He's the person
8 we're talking about doing the show with.

9 Q You state that he, assuming Chris
10 Orsaris, embezzled millions of dollars; correct?

11 A That's right.

12 Q Does that have any relevance or what
13 relevance does it have to your present day
14 complaints of race or age discrimination?

15 A It has to do with the character of the
16 person.

17 Q You're referring to Chris Orsaris'
18 character?

19 A Exactly.

20 Q The embezzlement of millions of dollars,
21 that fact or that allegation, has no direct
22 relevance to you being discriminated against for
23 race or age. It has to do with what you believe is
24 Chris Orsaris' character?

25 A It has a direct bearing.

1 Anthony B. Nelson

2 Q Based on his character?

3 A A direct bearing not only on his
4 character, but if somebody is to do something on
5 such a grandiose scale of what he did, doing what he
6 did, it doesn't mean anything because if you would
7 do that, obviously you would do anything.

8 Q That's your opinion?

9 A A lot people's opinion. It's my opinion,
10 yes, sir. A lot of people's opinions.

11 Q Going on to the third paragraph, which
12 starts with over a two-year period.

13 A Over a two-year period, yes.

14 Q Chris Orsaris targeted me on a daily
15 basis with racial and old age jokes referring to me
16 as uncle Ben and then Bill Cosby and other race and
17 age --

18 A Yes.

19 Q In your deposition that was held on
20 September 13th, 2019, you did not testify to Chris
21 Orsaris' targeting you on a daily basis. Do you
22 know why you changed it or why you're saying it was
23 on a daily basis?

24 A It necessarily didn't have to be every
25 day. It could be two, three days, four days. -I

1 Anthony B. Nelson

2 might not see him for a day so, meaning it was
3 recurring regularly.

4 Q Were there any witnesses to that?

5 A Yes.

6 Q Who are the witnesses?

7 A Peter Badouvas is one. Juan Planaco.

8 MR. BLUMENSTOCK: Are you checking notes
9 to refresh your memory there?

10 Q Yes, are you checking notes?

11 A Me?

12 Q Yes.

13 A No, I was getting ready to get up and get
14 an affidavit because I couldn't think of his name.

15 Q Are you saying you have an affidavit from
16 Mr. Planaco?

17 A Yes, I do.

18 Q Have you given that affidavit to us?

19 A Excuse me?

20 Q Can you provide me with a copy of that
21 affidavit?

22 A Yes, I can.

23 Q How soon can you E-Mail me a copy of
24 that?

25 A I can scan it later, after we're done,

1 Anthony B. Nelson

2 and I send it in an E-Mail. I have a document
3 scanner on my phone. I can send that to you when
4 we're done.

5 Q This affidavit that you have from him,
6 did you take that affidavit, was it done with Mr.
7 Planaco and you together?

8 A Yes. We agreed on the subject matter and
9 the verbiage that was in the affidavit, before he
10 signed it before a notary public.

11 Q Are you aware that Mr. Planaco is suing
12 Victory Auto at the same time?

13 A Yes, I am.

14 Q You have an affidavit from Peter
15 Badouvas?

16 A Yes, I have one for him. I have not
17 reached out to him.

18 Q Other than Planaco, which you have an
19 affidavit for, you state in paragraph 3 that Chris
20 Orsaris targeted you on a daily basis and now you're
21 saying maybe two, three days a week. Over how many
22 months or how many years?

23 A This went on for at least close to two
24 years. All right?

25 Q Did you say anything to anybody about

1 Anthony B. Nelson

2 that fact, whether it was management or a
3 supervisor, co-workers, did you say anything to
4 anybody that this person is targeting you?

5 A Harassing me.

6 Q I didn't say harassing you. I said did
7 you speak to anybody, whether a supervisor,
8 co-worker or management, that you were targeted on a
9 daily basis with race and old age jokes?

10 A I had spoken to Peter Badouvas about it
11 numerous times. As a matter of fact, Peter and I
12 were in a car together and he was harassing me. I
13 spoke to Juan Planaco and other people had witnessed
14 it.

15 Q Hold on. Did you say Mr. Badouvas was
16 harassing you in a car?

17 A We were in a car and he was harassing me.
18 Not Peter.

19 Q Peter was --

20 A We were on the phone, we were on, you
21 know, on the phone.

22 Q Mr. Nelson, listen to my question,
23 please.

24 A Yes.

25 Q My question is did you speak to any

1 Anthony B. Nelson

2 person, co-worker, management, owners about the
3 daily targeting by Chris Orsaris of race and age
4 jokes. You said Peter Badouvas was in a car and he
5 was actually targeting you with the same jokes. Is
6 that a yes or a no?

7 A What are you saying?

8 Q Did Peter Badouvas, in a car, target you
9 with racial or old age jokes?

10 A No, I was in the car with Peter Badouvas
11 and he witnessed it. He was in the same vehicle
12 with me.

13 Q Was Chris Orsaris in that car?

14 A No, it was over bluetooth.

15 Q You're saying that Chris Orsaris was on a
16 telephone and he was targeting you with racial and
17 old age jokes in a car with Peter Badouvas?

18 A He was -- I don't remember exactly what
19 was being said. He was putting me down, you know.

20 Q If you don't remember, Mr. Nelson, say
21 that. If you do remember, then tell us. I would
22 like to know -- I asked you did any supervisor,
23 co-worker or anybody else witness these insults.
24 You said Juan Planaco and Peter Badouvas in a car.
25 Now you're saying you don't know what he said in the

1 Anthony B. Nelson

2 car. That's fine. Just tell me what he said on a
3 bluetooth phone.

4 A I don't recall exactly. That was about
5 two years ago. No, not two years ago. I'm sorry.
6 That was three, three and a half years ago. He had
7 said stuff to me on the floor. Let me think. I
8 don't have the list of witnesses in front of me
9 because pretty much --

10 Q Do you have a list of witnesses somewhere
11 else?

12 A Yes, I do.

13 Q Where is that list?

14 A Somewhere here amongst the ten thousand
15 folders and papers and stuff.

16 Q How soon can you provide me with that
17 list?

18 A You have the list. It's the list that
19 you provided to me after I begged you for it. That
20 list.

21 Q The list that I provided you of employees
22 are all the witnesses that you say Chris Orsaris --

23 A I didn't say all of them. I said some of
24 them on that list. Juan Planaco, Jessica -- Jesus
25 Christ, what's her last name.

1 Anthony B. Nelson

2 Q Mr. Nelson, would you be able to send me
3 an E-Mail, within the next forty-eight hours or by
4 Monday, identifying the names of the people on that
5 list that heard Mr. Orsaris target you on a daily
6 basis?

7 A Like I said, when I say daily, it can be
8 two days in a row. He can be at an auction for
9 three or four days. I'm letting you know that when
10 I say that, I'm talking on a recurring basis. There
11 have been times that he's harassed me for three,
12 four days straight.

13 Q I'll withdraw the amount of time. What
14 I'm saying Mr. Orsaris consistently did that?

15 A Yes.

16 Q We don't know whether it's every day, two
17 days?

18 A Right.

19 Q Would you be able to identify the names
20 on the list that I gave you?

21 A Yes.

22 Q Within a couple of days, will you be able
23 to provide me an E-Mail as to the names of the
24 witnesses on that list that heard Chris Orsaris
25 target you with racial and old age jokes?

1 Anthony B. Nelson

2 A Yes.

3 Q Can we say by this Tuesday you will
4 supply me with an E-Mail specifying the names on
5 that list that I provided to you of the witnesses
6 that heard Chris Orsaris target you with racial and
7 old age jokes. Is that agreed, sir?

8 A Yes.

9 Q Did you tell anybody, any management
10 person or anybody, that Chris Orsaris was targeting
11 you like that? In all the years that it was
12 happening, did you tell anyone?

13 A I told Peter Badouvas.

14 Q Is that the only person?

15 A Because the person we were supposed to go
16 to is the perpetrator.

17 Q Who is that person?

18 A Who are we talking about, sir, Chris
19 Orsaris.

20 Q I'm asking you. Who is that person?

21 A Right. It's Chris Orsaris.

22 Q Other than Peter Badouvas, over the
23 course of two, three years, is it your testimony
24 that you didn't say anything to anybody about these
25 insults?

1 Anthony B. Nelson

2 A One guy started calling me -- one manager
3 started to call me Bill Cosby. I said, listen, I've
4 had it with this dude calling me outside of my name.

5 Q Who was that person?

6 A He was a manager that was there.

7 Q What's his name?

8 A Izzy. Izzy, I think, Adorham.

9 Q Let's go back to the question that I
10 asked that you haven't asked. Let me ask you again.

11 A Yeah.

12 Q I'm not asking you who insulted you.
13 You're saying now Izzy insulted you. How come you
14 didn't include Izzy in your original Complaint?

15 A He didn't understand what that was about.
16 When I told him do me a favor, don't call me that,
17 he never said anything again, because he's a very
18 respectful manager and never said anything again.
19 He wasn't aware of why I was being called Bill
20 Cosby.

21 Q Let's go back to my original question.
22 Did you, over the course of two, three years, ever
23 bring, ever tell a manager or supervisor or owner
24 that you were being targeted with racial jokes by
25 Chris Orsaris? Did you ever go to anybody and say

1 Anthony B. Nelson

2 listen, this is going on and I want it to stop?

3 A I may have not used the word racial
4 jokes, okay, or age, old, whatever. When Izzy
5 called me that, I asked him not to call me that. I
6 also complained to Peter Badouvas about it. I told
7 him I'm tired of this guy harassing me. Those are
8 the people --

9 Q Mr. Nelson, I don't have a lot of time.
10 Let's forget about Peter Badouvas because you told
11 him. Let's forget Izzy. Anybody else of
12 management, Diane, Phil, any other manager, anybody
13 of any authority.

14 Over the two or three-year period, did
15 you ever tell anybody else, let's leave Peter
16 Badouvas out of it and Izzy out of it. Anybody else
17 did you say I'm being targeted by this guy on a
18 consistent basis yes or no. If it's yes, I want to
19 know who and when.

20 A I'm not going to be able to tell you
21 when. I can give you the names.

22 Q Give me the names.

23 A When I send you the list.

24 Q The list is people that heard those
25 insults. Did you complain to those people? When

1 Anthony B. Nelson

2 you send me a list, you said these are witnesses to
3 the insults.

4 A I complained to one particular manager
5 about it.

6 Q Who was that?

7 A He works in Five Towns. I'm trying to
8 think of his name, hold on.

9 Q Would you be able to give me his name in
10 the E-Mail that you send me?

11 A Yes, I can give you the name, who I
12 complained to about it, besides Peter Badouvas.

13 Q And when?

14 A Beside Peter Badouvas and Izzi, there was
15 one other manager.

16 Q When you had your deposition in September
17 of 2019 --

18 A Yes.

19 Q -- you didn't tell us that you complained
20 to another manager. Is there a reason that you
21 didn't tell us that back in September?

22 A I don't know. Did you ask me?

23 Q Yes, I did.

24 A You know what, I have -- I'm not opened
25 on that page. You didn't tell me to -- I do have

1 Anthony B. Nelson

2 the box here with all of the depositions in it.

3 Q Let's go to paragraph 5, which starts
4 with not only did he do this in front of me. Do you
5 see that paragraph?

6 A Hold on. Yeah.

7 Q Actually go to the paragraph before that.
8 I'm a minority and so is eighty-seven percent of the
9 staff. When you talk about Alex Lettas calling you
10 a word that I would prefer not to use, you talk
11 about what Alex Lettas said. The next paragraph you
12 said he did it in front of everybody that was
13 working there permeating the place with racial
14 jokes.

15 The question I have for you, Mr. Nelson,
16 are the statements that Alex Lettas said and what
17 you mean in that paragraph are they the same people
18 that you're going to identify in the list or are
19 these different people?

20 A That's a double question.

21 Q Let me ask you again. You see the
22 paragraph where it starts I am a minority?

23 A Correct.

24 Q And Alex Lettas said things that I would
25 rather not say in this deposition. In the next

1 Anthony B. Nelson

2 paragraph you talk about that he did it in front of
3 you and in front of everybody that worked there. He
4 showed videos on his phone of Latinos and it goes on
5 and on.

6 A Uh-huh.

7 Q What I'm asking you, I know you're going
8 to supply me with a list of names that you say heard
9 Chris Orsaris say things. Would that be the same
10 list for what Alex Lettas said or would it be
11 different people?

12 A Of course, it would probably be the same
13 people because it's the same --

14 Q No, Mr. Nelson. You said of course. Of
15 course means you're assuming. What I'm asking you
16 is are there any other people that heard Alex
17 Lettas? This is your Complaint, not mine.

18 A Okay.

19 Q Would you be able to name those people,
20 in addition to the list or are they go to be on that
21 list?

22 A There are people on that list that you
23 sent me.

24 Q You're going to identify them?

25 A Yes.

1 Anthony B. Nelson

2 Q Those are going to be the same people
3 that heard Alex Lettas as well; is that correct?

4 A Yes.

5 Q By the way, you have an age complaint in
6 this case; correct?

7 A Yes.

8 Q Do you know how many people your age work
9 there?

10 A I don't know. You mean in my age range?

11 Q Correct.

12 A Maybe three other people.

13 Q How many people in your age range were
14 there when you left?

15 A Maybe two. One that's on the list.
16 Who's the other one. The other guy is not on the
17 list.

18 Q Let's go to the last paragraph on page 3
19 of the Amended Complaint.

20 A Okay.

21 Q Before we do, one last question.

22 On the people that were there when you
23 were there, in the same age range, do you know if
24 any of those people were discriminated against
25 because of their age?

1 Anthony B. Nelson

2 A Yes.

3 Q Do you have their names?

4 A Yes, I do. Robert Wood.

5 Q Robert Wood would say he was

6 discriminated against because of his age?

7 A They walk right by our desk and say two
8 grumpy old man and all kind of stuff.

9 Q Have you talked to Robert Wood?

10 A I don't talk to him no more.

11 Q Other than Robert Wood, any other person?

12 A No, because we're the only ones in that
13 age group. I did mention another person, but that
14 person came toward the end of my leaving there. He
15 wasn't included in it.

16 Q Going to the paragraph on the bottom of
17 page 3. It states regarding different terms and
18 conditions, when I came there they put a salesman on
19 the deal with me. The reason was that there was
20 commitment from the customer by taking their down
21 payment, before even showing the car. It was a
22 trap. Most salespeople would leave.

23 It looks like this trap, this hundred
24 dollar trap, was done to most salespeople; is that
25 correct?

1 Anthony B. Nelson

2 A Yes, people constantly got hundred dollar
3 flats and nobody would stay. You can't do that work
4 for a hundred dollars.

5 Q They treated everybody like that; isn't
6 that correct?

7 A What?

8 Q According to your statement here, most
9 salespeople, they treated all the salespeople the
10 same way on that hundred dollars; is that correct?

11 A Not everybody. They had salesmen there
12 that they would give a portion of your sale to that
13 person, when they were operating in that manner.

14 Q Mr. Nelson, what I'm saying is that it--
15 says here that most salespeople would leave after
16 two or three weeks. They did this hundred dollar
17 thing, this down payment trap thing, they did that
18 to more than you, it was done to other salesmen as
19 well; correct?

20 A No, in other words, when the commission
21 on the car --

22 Q Sir, I'm asking you a specific question.
23 I'm not asking for a narrative. Listen to my
24 question again. I don't have a lot of time.

25 A I understand.

1 Anthony B. Nelson

2 Q You said most salespeople would leave
3 after two or three weeks with the hundred dollar
4 flat thing. This is what you called a trap. You
5 said most salespeople. This hundred dollar
6 business, that was done to more than you, it was
7 done to several salespeople; correct?

8 A Sure. They didn't pay a lot of people
9 properly, yes.

10 Q This allegation of a hundred dollars was
11 not just done to you, but to a bunch of people and
12 was it more than two or three people?

13 A Listen, they had a resolving door there.
14 I can't tell you.

15 Q Was it done to more than two or three
16 people, yes or no?

17 A Yes.

18 Q Do you know how many people they did it
19 to?

20 A I'm not a record keeper. I know it was
21 lots of people.

22 Q Was it more than five people?

23 A Of course, it was more than five.

24 Q Do you know the age and race of those
25 people? If you don't know, say you don't know.

1 Anthony B. Nelson

2 A Most of them were minorities. You had a
3 couple of Indian guys or Irish guys, two or three
4 whites. Most of the salespeople were mostly
5 minorities.

6 Q Eighty-seven percent of the workers are
7 minorities in that store; correct?

8 A Yeah, pretty much.

9 Q This taking the hundred dollars wasn't
10 done just to you it was done to a number of people;
11 could have been five, could have been ten.

12 A Taking? No, it wasn't taking. It was
13 giving a hundred dollar flat on a sale. I don't
14 know what the word taking means.

15 Q Forget taking.

16 A They're taking hundreds of dollars and
17 giving you only a hundred.

18 Q It wasn't just done to you. It was done
19 to five or ten people, depending on how they felt;
20 is that correct?

21 A That's what they do. They do things to
22 people.

23 Q I'm not asking you what they do. I'm
24 asking you with respect to the hundred dollar trap
25 it was done to anywhere between five to ten people?

1 Anthony B. Nelson

2 A More than that.

3 Q Of different races and nationalities;
4 correct?

5 A You know you might have had a couple of
6 white people. Mostly minorities. That area,
7 there's a lot of minority salespeople in that store.

8 Q We know that. Let's go to the next
9 paragraph.

10 Also they gave me different terms and
11 conditions from other employees. They exclude me
12 from the new employment agreement. Do you have a
13 copy of whatever that employment agreement?

14 A I did have a copy of it. I never got it
15 from them. I moved into somebody's desk and got a
16 copy of it.

17 Q Do you have a copy of it?

18 A Somewhere here.

19 Q When can I get a copy of it?

20 A I don't know. I mean -- no, no, no.
21 Hold on. Do I have just the cover. Can you ask
22 your client for a copy of it?

23 Q Sir, this is your case you sued my
24 client.

25 A I understand that. Since they produced

1 Anthony B. Nelson

2 copies of it, multiple copies of it, in the -- if I
3 can't for some reason find it, can you get your
4 client to give you a copy of the Spartan agreement?

5 Q Mr. Nelson, you don't get to ask me
6 questions.

7 A All right.

8 Q You're talking about an employment
9 agreement that was kept from you and I'm asking you
10 do you have a copy. If you don't have a copy and
11 you can't show us that, just say you don't have a
12 copy.

13 A I'm not sure.

14 Q When will you be sure?

15 A Before I send you all of the rest of the
16 stuff.

17 Q By the middle of next week, if you have a
18 copy, you will give it to us; correct?

19 A Certainly.

20 Q Your next paragraph talks about a person
21 named Manny. Do you see that paragraph, Mr. Nelson?

22 A Yes.

23 Q That was on September 18th.

24 A 2017, yes.

25 Q You got into an assault with Manny that

1 Anthony B. Nelson

2 day; is that correct?

3 A He got into an assault with me.

4 Q That's right.

5 A I want to make sure we got the order
6 correct.

7 Q Did you ever have an issue with Manny
8 before that alleged assault?

9 A No, I did not.

10 Q Did he ever use any discriminatory words
11 to you, before that assault?

12 A He's a minority, no.

13 Q That assault had to do with -- what did
14 it have to do with, something business related?

15 A Yes.

16 Q Did you ever tell anybody about that
17 assault?

18 A Almost everybody knew what happened.

19 Q Who is everybody?

20 A Other salesmen.

21 Q I'm going to need names.

22 A Managers.

23 Q Mr. Nelson --

24 A You need the names?

25 Q Yes, I need the names.

1 Anthony B. Nelson

2 A Stavros Orsaris. I can't think of the
3 guy's name. He worked there ten years.

4 Q You be able to supply me the name of
5 every person that you say saw this assault, other
6 than Stavros?

7 A Yes. You said saw or knows about it?
8 Can you repeat the question back?

9 Q I want to know who witnessed it, other
10 than Stavros Orsaris.

11 A The actual assault itself?

12 Q That's correct.

13 A I'll send you the names. The other
14 person was in the office with Stavros, when this
15 happened. There were three of us. I'll send you
16 the other name.

17 Q While waiting for a bus, next paragraph,
18 Chris Orsaris jumps out of the car and was verbally
19 assaulting you and said go home and get your gun.

20 A Yes.

21 Q Did he use any words, any discriminatory
22 words referring to your race or age when he jumped
23 out of the car? You quoted him saying go home and
24 get your gun, you're fired. Did he say anything
25 else about your age or race?

1 Anthony B. Nelson

2 A No, he did not.

3 Q At any time in the Sunoco station were
4 you referred to with any words based on your age or
5 your race?

6 A No.

7 Q Do you know why he said go home and get
8 your gun, you're fired?

9 A I don't know why anybody would come into
10 a gas station and scream.

11 Q I didn't ask you that. Do you know why
12 he said that to you?

13 A I don't know why anybody would say that
14 to me.

15 Q Not anybody. Do you know why Chris
16 Orsaris said that?

17 A I don't know why Chris Orsaris said that
18 to me.

19 Q Did he just pull into the station and say
20 that?

21 A He pulled into the station and he came
22 inside the store to get gas and he said that.

23 Q Did you threaten him at all?

24 A No, I did not.

25 Q Did you say anything about a gun to him?

1 Anthony B. Nelson

2 A No, I did not.

3 Q I'm going to ask you to turn to the next
4 page, page 5.

5 A All right.

6 Q The last paragraph on page 5, you said
7 this is a discriminatory distraction to take away
8 attention from Chris Orsaris who is motivated by
9 racial bias. What do you mean by that? What do you
10 mean by discriminatory distraction? What are you
11 talking about?

12 A Okay. When I say a discriminatory
13 distraction it is because he and his previous
14 attorney Richard Simon, flipped this whole thing
15 around in a statement to the EEOC saying that I'm
16 walking around a Sunoco food mart talking about I'm
17 going to go get a gun and shoot people. When I say
18 discriminatory distraction, it's real easy to make
19 up lies about black people. That's what I mean by
20 that.

21 Q What you're talking about is what Richard
22 Simon said to the EEOC. That's the discriminatory
23 distraction; correct?

24 A No, the discriminatory distraction is
25 your client coming in the store saying what he said

1 Anthony B. Nelson

2 and then the distraction is turning it around and
3 accusing me of saying that, which I never said that.

4 Q Did Chris Orsaris say anything about your
5 race or your age inside the store?

6 A No, only inside the dealership store.
7 Not in the Sunoco station on the occurrence that
8 you're referring to.

9 Q When you say discriminatory distraction,
10 are you talking about something about the insults
11 that you testified to earlier in the store or are
12 you talking about something in the Sunoco station?

13 A What I'm talking about in that particular
14 paragraph, okay, I'm talking about him lying and
15 turning -- trying to spin this whole thing on me and
16 trying to blame me of his mistake of stupidly coming
17 into a place and saying something as ignorant as
18 what he said.

19 Q Tell me what you mean that he did it,
20 that he turned it against you?

21 A Because when you say that I said that, I
22 never said --

23 Q Said what?

24 A Go home and get your gun. Here's the
25 thing. He said that I'm the one that's talking

1 Anthony B. Nelson

2 about a gun. I was never talking about a gun at any
3 time. I don't talk about guns.

4 Q Mr. Nelson --

5 A What he did -- I'm trying to explain to
6 you. This might go over your head. I don't know if
7 it will or not. You asked me about this statement,
8 a distraction. What it is basically is they're
9 trying to say, that includes Chris and Simon or
10 anybody else, what they're saying is they're turning
11 it around. They're lying and saying that I said
12 that.

13 Q I understand.

14 A When I say discriminatory distraction,
15 it's a distraction because now you're changing the
16 whole manner of how this thing happened.

17 Q I understand, sir.

18 Are you testifying that this distraction
19 of turning it around was discriminatory in nature or
20 just a distraction of turning it around?

21 A It's discriminatory in nature.

22 Q Why is it dis --

23 A Why? You don't have to use a
24 discriminatory word, okay, to do something
25 discriminatory. Okay. If you don't understand

1 Anthony B. Nelson

2 that, look at all the Karens in the world or
3 different people that do stuff.

4 What I'm trying to explain to you it's
5 the easiest thing in the world to do, is to make up
6 a lie about a black person. He made up a lie
7 because I never said -- I wouldn't stand out in
8 public and say nothing like that. He came in there
9 and said that.

10 Q Mr. Nelson, I understand. We don't have
11 a lot of time.

12 When you testified moments ago you said
13 when the incident happened in Sunoco, he didn't use
14 any discriminatory words. He didn't refer to you as
15 to your age or race. You're saying the fact that he
16 said that his version of what happened in the Sunoco
17 station is trying to accuse you or wrongdoing.
18 You're saying that accusation is discriminatory,
19 even though he didn't use any words of racial or
20 age, is that correct, yes or no?

21 A Yes, yes.

22 Q His version of what happened you take
23 issue with and you believe that the fact that it's
24 different from him is that discriminatory just by
-25 the fact that it's different from your version, yes

1 Anthony B. Nelson

2 or no?

3 A I'm not going to answer that question.

4 Listen, rephrase that question for me, please.

5 Q I'm saying that you believe the fact that
6 he has a different version of the facts that
7 happened in the Sunoco station, where he didn't use
8 any discriminatory words, that assertion is just
9 discriminatory in nature, yes or no?

10 A Yes, you don't have to use discriminatory
11 words to do something discriminatory.

12 Q Your Amended Complaint against my
13 clients, do you believe that you have added anything
14 new or changed anything from your original
15 Complaint?

16 A What?

17 Q Your Amended Complaint has certain
18 allegations against Mitsubishi.

19 A North America you mean?

20 Q Yes, correct.

21 A Yes.

22 Q You've also included, which we brought up
23 to the judge, that you got some stuff here about the
24 Victory defendants, about Alex and Chris Orsaris; is
25 that correct?

1 Anthony B. Nelson

2 A I have what?

3 Q You've brought up allegations that I've
4 been talking to you about for the last fifty
5 minutes.

6 A Yes.

7 Q About Alex and Chris Orsaris; correct?

8 A Yes.

9 Q Some of these allegations are repetitive
10 from your original Complaint; correct?

11 A Yes.

12 Q Is there anything new in this Amended
13 Complaint that you're bringing up here that wasn't
14 in your original Complaint that you believe that you
15 did not include in your original Complaint?

16 A There's stuff in this Complaint that is
17 from the original Complaint.

18 Q Correct. I said that.

19 A Right. But there's also written in the
20 Complaint clarification on those particular items --
21 clarification on the same items that were in the
22 original Complaint in this Complaint.

23 Q When you say clarification, are you
24 talking about more facts about the incident like at
25 Sunoco and all that?

1 Anthony B. Nelson

2 A Sure.

3 Q There are no -- I'm reading this thing
4 and I don't see any new complaints about racial or
5 age issues that were not in your original Complaint
6 or your original testimony in the deposition. Am I
7 correct on that?

8 A Right. You're saying -- could you repeat
9 that again?

10 MR. HANS: Can you repeat my question?

11 (The requested portion was found and read
12 back.)

13 A Yes.

14 Q Just to be sure, would you agree that
15 there are no new facts in this Amended Complaint
16 that were not brought up in the original Complaint;
17 correct?

18 A No, there are new facts in this
19 Complaint.

20 Q What are the new facts against my client?
21 You just testified that there weren't.

22 A About the distraction. It's a fact.
23 It's a description.

24 Q It seems that you testified before that
25 there was nothing new and just a clarification. Now

1 Anthony B. Nelson

2 you're saying there's something new.

3 A The clarifications are new. Clarifying,
4 you know, what happened. The reason why it
5 happened, but basically everything that's in the
6 original Complaint is in this Complaint.

7 Q I'm pretty sure I'm correct in this, but
8 you have to tell us. I don't see any new facts that
9 are not in the original Complaint. It's only
10 clarifications; am I correct?

11 A Yes.

12 Q The clarifications is what you testified
13 to today; is that correct?

14 A Partially.

15 Q Why is it not fully, what clarification
16 have you not testified to?

17 A You asked me some questions where I
18 didn't have to clarify anything; isn't that correct?

19 Q No, you don't get to ask the question.
20 Listen to me, you have the Amended Complaint in
21 front of you.

22 A Yes.

23 Q I've gone through the paragraphs with
24 you.

25 A Yes.

1 Anthony B. Nelson

2 Q Is there any part of the original
3 Complaint that is clarified that you have not
4 testified to in the first five pages of the Amended
5 Complaint. If you need a minute to look at it, that
6 would be fine. We've gone through the whole
7 Complaint.

8 A We didn't talk about the debit card thing
9 today.

10 Q What paragraph is that?

11 A That's just before the theory of
12 liability on page 6.

13 Q This is the last one that we didn't talk
14 about. I'll ask you about that now.

15 Dozens of times, that I find it highly
16 irregular for a blue chip company, such as
17 Mitsubishi, to be changing out Social Security
18 numbers. It sounds that you're accusing Mitsubishi
19 on that, not my client.

20 MR. BLUMENSTOCK: Where are we reading
21 from?

22 THE WITNESS: Page 6.

23 Q The paragraph that starts with this
24 happened. That's the paragraph that you say I have
25 not asked you anything about.

1 Anthony B. Nelson

2 A I think you missed a couple. That's one
3 of them.

4 Q That paragraph has do with just
5 Mitsubishi.

6 A No, it has to do with they would never do
7 nothing like that.

8 Q What do you mean by that?

9 A What I mean by that is that -- what I
10 mean by that is that a dealer --

11 Q Let me ask you this. We're talking about
12 the irregularity of the Social Security numbers.
13 That was affecting a lot of salespeople; correct?

14 A They were blocking us.

15 Q A number of salespeople were affected by
16 that?

17 A Right. We had no access.

18 Q Putting that aside, sir. Other than that
19 paragraph, is there anything in that Amended
20 Complaint, as it affects the Victory defendant, that
21 you have not clarified through the questions that
22 I've asked you today?

23 A This thing here.

24 Q Which thing?

25 A What we're talking about right now about

1 Anthony B. Nelson

2 Mitsubishi and the internet site and blocking --

3 Q I understand that. That affects all the
4 salespeople. I understand that.

5 A Right.

6 Q What I'm asking is with respect to
7 clarifying your Complaint of racial or age
8 discrimination. I've asked you a lot of questions
9 with respect to the first five pages. I've gone
10 through each paragraph and you said maybe there's
11 something else that I didn't cover that you didn't
12 clarify.

13 Is there anything that you didn't clarify
14 in all the questions that I've asked you for the
15 last hour? I believe you've answered them all.

16 A I'm double-checking right now. Mr. Hans
17 I think that was the only thing that was missing.
18 The fact that Social Security numbers changed, you
19 have no access. You can't -- I think that's the
20 only thing that we missed.

21 Q You just testified to that.

22 I have nothing further. I believe we're
23 on time within the hour. This deposition is
24 concluded, except for one point. Today is
25 Friday --

1 Anthony B. Nelson

2 A Yes.

3 Q Friday, September 18th, 2020. There are
4 a number of things that you have to produce to us by
5 E-Mail, including the names of witnesses on the list
6 that I supplied you, that were witnesses to certain
7 things and a number of things that I believe you
8 made notes of; correct?

9 A Okay. Persons who witnessed and heard.
10 What was the first thing again?

11 Q Mr. Nelson, I didn't write them down
12 because I was trying to get my deposition done
13 within sixty minutes.

14 Mr. Nelson, let's do this. Why don't you
15 produce the names on the witness list that you know
16 heard the insults that Chris Orsaris targeted you
17 with. That's one thing for sure.

18 A Yes.

19 Q I think you have a few other things that
20 you may have made notes about.

21 A The other witness in the brawl, the
22 assault you called it.

23 Q Can you get those names to me by Tuesday,
24 this coming Tuesday?

25 A That I can do.

1 Anthony B. Nelson

2 Q Would you agree and stipulate that after
3 we get the transcript, if there's any other names or
4 lists, after the transcript is produced, that you
5 would produce that information within five days
6 after that?

7 A Yes, I will. After I get it. Yes, I
8 will.

9 MR. HANS: I am concluded.

10 MR. BLUMENSTOCK: I have a favor to ask.
11 I represent Mitsubishi. Whenever you get
12 through this by way of documents produced,
13 would you forward the E-Mail to me as well?

14 THE WITNESS: I can forward it to you
15 als.

16 MR. HANS: Mr. Nelson, it's more
17 appropriate that I do that.

18 MR. BLUMENSTOCK: I'd like to request a
19 copy of the transcript.

20 (Whereupon, the examination of this
21 witness was concluded at 11:20 A.M.)

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A C K N O W L E D G M E N T

STATE OF NEW YORK)

)ss.:

COUNTY OF)

I, ANTHONY B. NELSON, hereby certify
that I have read the transcript of my testimony
taken under oath in my deposition of September 18,
2020.
That the transcript is a true, complete and correct
record of what was asked and answered and said,
during this deposition, and that the answers on the
record, as given by me, are true and correct.

ANTHONY B. NELSON

Subscribed and sworn to
before me on this ____ day
of _____, 2020.

NOTARY PUBLIC

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1

2

C E R T I F I C A T I O N

3

4

5

I, ATHI FRANCIS, a Notary Public of the State
of New York, do hereby certify:

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13

That the testimony in the within proceeding
was held before me at the aforesaid time and place.
That said witness was duly sworn before the
commencement of the testimony, and that the
testimony was taken stenographically by me, then
transcribed under my supervision, and that the
within transcript is a true record of the testimony
of said witness.

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I further certify that I am not related to any
of the parties to this action by blood or marriage,
that I am not interested directly or indirectly in
the matter in controversy, nor am I in the employ
of any of the counsel.

19

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IN WITNESS WHEREOF, I have hereunto set my hand
this 1st day of October, 2020.


ATHI FRANCIS



ERRATA SHEET

NAME OF CASE: _____

DATE OF DEPOSITION: _____

NAME OF DEPONENT: _____

The following corrections, additions or deletions are noted for the following reasons:

PAGE	LINE	CHANGE	REASON
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Subscribed and Sworn to Before Me

This ____ day of _____, 20__.

WITNESS' SIGNATURE

NOTARY PUBLIC

Commission Expires:

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